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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,451	06/30/2003	Alexander G. MacInnis	14447US01	1633

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EXAMINER	
YENKE, BRIAN P	
ART UNIT	PAPER NUMBER
2622	

MAIL DATE	DELIVERY MODE
11/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/611,451	MACINNIS ET AL.	
	Examiner	Art Unit	
	BRIAN P. YENKE	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *RCE/Amendment (10/31/07)*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 31 Oct 07 has been entered.

Response to Arguments

2. Applicant's arguments filed 31 Oct 07 have been fully considered but they are not persuasive.

Applicant's Arguments

a) Applicant states that in Wells post-processing stage includes a decoder, thus the decoder does not comprise a decoder.

b) Applicant states that Reitmeir does not disclose a video decoder that includes the deinterlacer and display engine, and since the claim does not recite the use of the term "integral" or "to integrate" thus the claim is distinguishable over In re Larson and In Re Wolfe.

Examiner's Response

a) The examiner agrees that the post-processing stage includes a decoder, however Wells explicitly recites that the "video decoding system" comprises a video decoder and a deinterlacer (see specification. Applicant's claim states a system for providing video comprising a video decoder, said video decoder further comprising a deinterlacer...thus the applicant's invention is a system comprising a decoder and deinterlacer. This is anticipated by Wells language which states a video decoding system, comprising: a video decoder and a deinterlacer. The system (as claimed by applicant) and decoder (as

recited by applicant) is anticipated by the video decoding system, since the decoding system further comprises in the post-processing stage a deinterlacer.

b) The examiner disagrees. It is noted that Reitmeir does not disclose that the video decoder includes the deinterlacer and display engine, though the decoder does include the claimed decompression engine. The examiner's reliance on the precedent of integration of parts, was that combining functions/elements into an item/element produces expected results, the modification being that the functions are carried out in the same chip/element etc... Thus the examiner maintains that based upon KSR (no unexpected results) and the integration of parts case law, the prior art of record could have been modified to produce a combined system as claimed.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 16 is rejected under 35 U.S.C. 102(e) as being anticipated by Wells, US 2004/0057624.

In considering claim 16,

Wells discloses an integrated video decoder 202 (Figs 3-8) which includes the decompression engine, which also includes a deinterlacer and scaler (para 0014, 0016), wherein the scaler is met by post processing stage 206.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reitmeir, US 6,549,240.

In considering claim 16,

a) the claimed video decoder...is met by video decoder 120 (Fig 1)

b) the claimed decompression engine...is met by video decoder which decompress a received compressed signal (Fig 1)

c) the claimed a deinterlacer...is met by deinterlacer 130 (Fig 1).

d) the claimed a display engine/scaler...is met by controller 200 and horizontal resizer 150 and vertical resizer 140 which scale the deinterlaced image.

However Reitmeir does not disclose that the video decoder includes the deinterlacer and display engine, though the decoder does include the claimed decompression engine.

As recently decided by the Supreme Court in KSR vs Teleflex, if a person of ordinary skill in the art can implement a predictable variation, and would see the benefit of doing so a 130 rejection likely bars it's patentability.

The premise of making integral, *In re Larson, 340 F.2d 965, 967, 144 USPQ 347, 349 (CCPA 1965); In re Wolfe, 251 F.2d 854, 855, 116 USPQ 443, 444 (CCPA 1958)* has been established has being obvious to one of ordinary skill in the art to integrate components, thus providing a predictable (i.e. expected) outcome/result.

Therefore, it would have been obvious to one of ordinary skill in the art to realize the elements within a device/receiver may be combined (i.e. integrated) or isolated (i.e. separate components) wherein the result of either selection provides expected results, and therefore is not patentable over the prior art.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (571)272-7359. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, David L. Ometz, can be reached at (571)272-7593.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(571)-273-8300

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703)305-HELP.

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For other technical patent information needs, the Patent Assistance Center can be reached through customer service representatives at the above numbers, Monday through Friday (except federal holidays) from 8:30 a.m. to 5:00 p.m. EST/EDT.

The Patent Electronic Business Center (EBC) allows USPTO customers to retrieve data, check the status of pending actions, and submit information and applications. The tools currently available in the Patent EBC are Patent Application Information

Retrieval (PAIR) and the Electronic Filing System (EFS).

PAIR (http://pair.uspto.gov) provides customers direct secure access to their own patent application status information, as well as to general patent information publicly available. EFS allows customers to electronically file patent application documents securely via the Internet. EFS is a system for submitting new utility patent applications and pre-grant publication submissions in electronic publication-ready form. EFS includes software to help customers prepare submissions in extensible Markup Language (XML) format and to assemble the various parts of the application as an electronic submission package. EFS also allows the submission of Computer Readable Format (CRF) sequence listings for pending biotechnology patent applications, which were filed in paper form.

B.P.Y.
19 November 2007

BRIAN P. YENKE
PRIMARY EXAMINER